

REMARKS

Applicants present claims 1-42 for examination.

The Examiner rejected claims 1-42 under 35 U.S.C. §103(a) as being unpatentable over Sato in view of Komatsuda, alone or further in view of Kondo, Schultz or Banine. Applicants traverse. The Examiner bases his rejection, in part at least, on the assertion that it would have been obvious to one skilled in the art to modify Sato by replacing his light source with Komatsuda' EUV light source. *See* Office Action, p. 3. However, such a modification would not have been obvious to one skilled in the art because one skilled in the art would have understood that Sato's system is not compatible with an EUV light source. For example, Sato's system includes an optical system 4 that includes a condenser lens, a collimator lens or a zoom lens, and Sato's system also includes a condenser optical system 6 that includes a condenser lens, a collimator lens or a zoom lens. *See* Sato, [0045] and Fig. 1. One skilled in the art would have understood that such lenses are not compatible with EUV radiation within the context of Sato's illumination system. Thus, for at least this reason, it would not have been obvious to one skilled in the art to modify Sato to replace his light source with Komatsuda's light source.

In response to this argument, the Examiner said:

Nishi (2003/0128348) discloses a system comprising an excimer laser beam, condenser lens and other lenses in Fig. 2 and para 0247. Nishi also discloses that one of ordinary skill would be able to modify such system to accommodate and EUV system para 0459. *See* Office Action, p. 6.

Initially, Applicants believe the Examiner is not properly citing Nishi. Specifically, if the Examiner is relying on Nishi to demonstrate what would have been obvious to one skilled in the art, then the Examiner should cite Nishi in the list of references in the rejection. The Examiner has not done that here. Rather, the Examiner refers to Nishi in a separate section of the Office Action (entitled "Response to Arguments"). Applicants believe that this approach is improper, and that, if the Examiner wishes to rely on Nishi as demonstrating what would have been

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obvious to one skilled in the art, the Examiner should re-write the Office Action and properly cite Nishi in the rejections.

Further, Applicants believe that the Examiner has not accurately characterized the subject matter disclosed in paragraph [0459] of Nishi. In particular, while this paragraph of Nishi does indicate that his system could be modified for use with EUV, Nishi specifically notes that such modification would involve using a “reflection reduction optical system”. *See* Nishi, [0459]. Yet, the Examiner has provided no evidence that such a “reflection reduction system” could include Sato’s optical systems 4 and 6. Absence such evidence, Applicants believe the Examiner’s reliance on Nishi in maintaining the rejection is improper. In fact, as would be understood by one skilled in the art, Nishi’s “reflection reduction system” would not include Sato’s optical systems 4 and 6. In other words, contrary to the Examiner’s statements, Nishi actually provides evidence that one skilled in the art would have understood that the lenses used in Sato’s systems 4 and 6 are not compatible with EUV radiation within the context of Sato’s illumination system.

Moreover, nothing in Kondo, Schultz or Banine overcomes the deficiencies in the Examiner’s rejection noted above.

In view of the foregoing, Applicants request reconsideration and withdrawal of the rejections of claims 1-42 under 35 U.S.C. §103(a).

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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